11 No democracy without gender equality

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The war in Syria has been going on for seven consecutive years. It began with peaceful demonstrations against the tyrant regime for months, then was faced with excessive violence. Many protesters were arrested and tortured brutally, which led to the death of some of them. Many other peaceful protesters were killed by gunshots during demonstrations. It turned into an armed conflict between the regime and the opposition. Several regional powers intervened in the Syrian conflict by supporting parties to the conflict and arming them, even by sending militias. The regime then began the random shelling of cities where those factions were based, which led to a huge number of civilian casualties. The arrests of peaceful civilian activists, especially those who worked in relief of the afflicted areas, continued by the regime. Many were arrested and brutally tortured and killed (there are documented photos for 11,000 detainees who died under torture). Feminist activists were arrested and tortured, some of them were killed and others were tried by anti-terrorism courts and are still in prison. Others escaped outside Syria and are working in the neighbouring countries, or all over the world. Fighters of the Islamic State of Iraq and the Levant (ISIS) began to fly from all over the world to Syria, under the eyes of the whole world, which did not do anything against it until ISIS seized half of Syria, brutally treating Syrian citizens in the areas under its control, especially women who are prohibited from appearing in the public sphere unless they cover their entire bodies, denied education, and work. ISIS applied brutal sanctions on people in their control areas. The international forces (especially USA and Russia) intervened, which has made the conflict more complex and brutal; they bombard cities all over Syria, most victims being civilians. The regime also laid siege on more than

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16 cities that were completely cut off from food, medicine, water, electricity, and all the necessities of life. The armed groups lay siege on two cities as well.

As a result, there are 500,000 dead, hundreds of thousands of detainees and disappearances, 4.8 million refugees in neighbouring countries, more than half a million refugees in Europe, and 7.6 million displaced (Syria’s population is 23 million) who suffer inhumane and difficult conditions. What can we do, as feminist movements that stand against wars, who believe in peaceful solutions and dialogue as a means to solve any conflict? Certainly the United Nations (UN) Resolution 1325, and related provisions, are guidelines that could be consulted in times of conflicts, along with international humanitarian laws and many others. We should not forget, however, that all the resolutions, conventions, and treaties have been signed under an international patriarchal order that basically legalizes wars by developing controlling regulations in an attempt to designate an ethical system for an intrinsically unethical act. The UN, for its part, does not depart from the authoritarian male standard that still rules the world, as its composition puts the fate of the people in the hands of five member countries in the Security Council. Eventually, any one of them can use the veto right to obstruct justice and the possibility of a people achieving their rights. This applies to all international treaties and conventions issued by the UN, which do not have a binding character on the ground, allowing the religious male political tyrannical systems to manipulate the destinies of their people, especially women, without any oversight or accountability. The UN also allows states to infringe on other states unchecked, perhaps even under cover from the United Nations itself.

So we raised our voice loud against any form of religious male political domination, which is manifested in authoritarian governments and colonial occupation, resulting in devastating violence. We have always stood against war and all forms of violence, calling for pursuing peaceful ways to resolve conflicts and disputes. Our ways of conflict resolution are based on several points:

- The struggle for an active participation of women in all stages of conflict resolution, peace-building, and reconstruction is through adopting
the feminist vision of a peaceful world, in which all forms of armed conflicts are abolished.

• The protection of civilians in wars by helping them, especially women, empowering them, and raising their awareness.

• Mobilizing advocates for our just causes by networking with global women’s organizations and human rights organizations, and anyone else that could support our just causes.

• Pressure on the influential international powers and organizations to support our just causes and to resolve our conflicts peacefully.

It is worth noting that people’s experiences have shown that the involvement of women in peacemaking, at the local and international levels, give peace a greater impact and make it longer lasting. There is a tendency in the international community for the standardization of the role of women as victims of wars seeking peace, any peace, even if the forces of authoritarianism stay in power, which has contributed to further oppression of the people, depriving them of their will. This is not real peace; it is a fragile peace that is based on the balance between internal and external domination forces. The peace that we seek is the lasting and sustainable peace which will only be achieved by changing the structure of the authoritarian state into a democratic modern secular state, based on the principle of equal citizenship, the rule of law, and social justice. A comprehensive, sustainable, just peace will only be achieved by striking a balance between forgiveness and accountability; namely, forgiving others, and holding accountable all of those whose hands are stained with blood, compensating the victims in accordance with the principles of transitional justice. We are seeking to get to that just and comprehensive peace in a transitional phase that is governed by a constitutional declaration, including all the foundations of a modern democratic state, a transitional provision body with an executive and legislative authority that represents all spectrums of the people, an impartial independent judicial authority that is responsible for monitoring and accountability, a transitional justice under which all those who have committed a crime against
the people will have a fair trial, and a transitional period which will allow us
to work on drafting a permanent constitution for the country that we seek. The
Coalition of Syrian Women for Democracy (CSWD) was founded in July 2012,
and since then 16 organizations have joined it so far, and from the beginning it
has focused on putting forth and promoting engendered constitutional principles
to guide the transition towards democracy in Syria. This ongoing work has been
supported from the beginning by the Euromed Feminist Initiative in the frame of
different programs funded by Sweden and the European Union.

The CSWD has been building on lessons learned from the experiences of other
countries. It published a booklet, Looking Towards a Democratic Constitution
(2012), and recommendations for promoting nonviolent transition towards
democracy through engendering constitution building process in Syria from the
international conference held on the 10th and 11th of April 2014 in Brussels.
It also published the report, Gendered constitution building process for Syria
(Zakzak, Hjeieh, & Al Rahabi, 2014), and in 2015 some of its members were
involved in the reference group for writing the handbook on engendering
constitution-making: ABC for a Gender Sensitive Constitution (Suteu & Draji,
2015). CSWD has held several conferences about ‘Principles of gendered
customion’ in partnership with the Euromed Feminist Initiative at local and
international levels. The gendered constitutional principles of Syria, and the
mechanisms to implement them adopted by the CSWD are:

- Syria is a sovereign, independent, democratic republic based on political
  pluralism and administrative decentralization, and has the full right to
  retrieve its occupied territories within the context of the unity of the
  Syrian land.

- All Syrian citizens, women and men, are united under one national
  identity encompassing their different ethnic, cultural, and religious
  belonging. The constitution guarantees respect, equality, gender

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equality, non-discrimination, as well as the establishment of equal opportunities for all these social components.

- The constitution guarantees the achievement of full equality between women and men in citizenship rights so that both women and men can enjoy their civil, political, social, economic, cultural, and educational rights in all areas of public and family life.

- The constitution prohibits discrimination, whether direct or indirect, against any citizen on the basis of gender, and obliges the State to issue national laws that prevent, prohibit, and criminalize any act of discrimination against women and all forms of violence against them in both private and public life; to annul all discriminatory laws and texts, to lift all the reservations posed on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and to endorse its optional protocol.

- The Syrian constitution is a secular one and explicitly mentions the separation of religion from the State and legislation.

- The people are the source of power. The constitution guarantees representation of Syrian people through free and impartial elections, which are administered by just laws that ensure women’s equal participation, achievement of parity between women and men through providing for affirmative actions such as gender quotas and fair representations of all groups.

- The constitution protects the separation of powers and the establishment of regulations that ensure a balanced relationship among them.

- The constitution ensures equal participation of women in public, political, economic, and social life; their equal right to employment and holding any decision-making position, as well as their equal representation in all designated and elected bodies.
• The sources of legislation are international human rights treaties and agreements, women’s rights conventions and resolutions, as well as international human rights laws and principles of social justice and gender equality.

• All international treaties and agreements ratified by the State have supremacy over national legislation. The constitution and national laws comply with international agreements and conventions ratified by the State that protect the political, economic, and social rights of women and men, on top of which is CEDAW.

• The constitution guarantees the right to life and bans the death penalty; it prohibits ill-treatment and abuse of women and men under any circumstances; it explicitly criminalizes all forms of gender-based violence and torture, including rape, and all other forms of abuse and inhumane treatment.

• The constitution protects the independence of the judiciary and the equality of all citizens, women and men alike, before the law and in the law. The constitution also ensures equal access for women and men to legal entities, equality in treatment, and protection against sexual and physical violence, as well as providing compensations for victims of sexual violence within the system of transitional justice.

• The constitution protects the right of women and men to transfer their citizenship to spouses and children.

• The constitution protects freedom of expression, thought, and conscience, as well as participation in decision making through political parties and civil society organizations, including women’s rights organizations, and publishing newspapers and other printed materials.

• The constitution guarantees and protects women’s and men’s equal rights to education, work, property ownership, and inheritance.
• The constitution ensures abolishing or amending all laws conflicting with these principles.

As mentioned in Zakzak et al. (2014), the CSWD has also elaborated mechanisms to implement the above-mentioned gender-sensitive constitutional principles. In this vein:

• The constitution must be written in a gender-sensitive language. The words ‘women and men’ must be clearly included after phrases like ‘all citizens’ or ‘individuals’ to emphasize that women and men are equal in worth, before the law and in the law.

• The constitution must prohibit the legislative authority from revising its articles in a way that negatively affects gender equality or any of the principles of freedom and justice. The constitution also must clearly state that the articles guaranteeing civil rights and freedoms, and equality between women and men, are not subject to change, unless change was intended to emphasize or enrich, in which case the legislative power may amend some articles.

• The constitution must include implementation mechanisms, such as articles and bodies for equality, to ensure it does not remain a declaration of principles. A supreme national body is created to implement and protect women’s rights and establish gender equality in all ministries and local institutions and authorities, along with the gender equality committee in the parliament to monitor the implementation of gender equality law and related issues. The principle of gender equality is established clearly and through all governmental plans and programs.

• Current laws must be amended by the legislative authority to agree with all the rights and freedoms protected by the sought constitution. No article or law should stand in opposition to the spirit of the constitution. If any such contradiction is noted, laws must be amended to be compatible with the constitution, and therefore with international agreements on
human and women’s rights. Feminist organizations and human rights activists must be involved in the process of revising laws and systems and developing civil and criminal laws to ensure justice and eliminate all forms of discrimination and violence against women.

• The national policy focused on education includes all Syrian children in the educational process, especially those who were deprived from it in the past years, as well as focusing on literacy programs and the spread of knowledge and awareness on democracy, human rights, and gender equality in all educational stages and in all media.

• National policies reflect a positive image of women and stand in opposition to social tolerance towards discrimination against women, and mechanisms guarantee the protection of women’s rights in reality. The constitution alone cannot protect women from cultural stereotypes and prejudices which continue to marginalize women in obvious or subtle ways.

• Independent civil records are provided for women to further institutionalize the full citizenship of women.

• A clear work table is set for gender equality and all opportunities are sized to emphasize this issue.

• All social components in Syria are involved in establishing gender equality and raising awareness of women’s rights on a local level, since even the progressive forces in Syria hesitate on the subject of gender equality and women’s rights.

• All feminist and civil society organizations are engaged and actively participate in the preparation for negotiations and the creation of transitional governing bodies. Civil society organizations must have the freedom to work and be properly represented in committees that adopt programs and policies.
• The participation of women in negotiating delegations of Syrian political parties and powers is ensured at all stages.

• The discussions and negotiations pertain during the constitution building period, since it could change the balance of powers through the mobilization of democratic forces.

• Mechanisms must ensure the transparency and fairness of constitutional referendums and all stages of elections, as well the participation of civil society organizations in monitoring the elections.

• The electoral system is a proportional representative one in order to promote gender equality.

• This entire process is connected to democracy, since women’s rights are an indivisible part of the international human rights.

References

